

33-17	Brian Maleska	51	17536	11566	50.00		
DATE	RECEIVED FROM	RECD. BY	RECEIPT CODE	PROCESS NO.	PYMT. CODE	RECEIPT NO.	RECEIPT AMOUNT

STEARNS COUNTY SHERIFF'S OFFICE  
JOHN L. SANNER, SHERIFF  
ST. CLOUD, MN 56303

PAYMENT CODE  
C = CASH  
V = CHECK  
B = BOTH

CODES

1. ADVANCE PAYMENTS  
2. MILEAGE  
3. FEES

4. COPIES  
5. MISCELLANEOUS  
6. BAIL & FINES

7. EXECUTION  
8. PROPERTY TAX  
9. TAX PENALTY  
10. CLERK OF COURTS

11566

St. Cloud, Minn. MARCH 17, 20 17

BRIAN MALESKA

No. 17 536

37013 CR 2

ST JOSEPH MN 56374

### SHERIFF'S DAILY RECORD

<u>BRIAN MALESKA</u> Plaintiff		AMOUNT OF FEES Service Fee <u>50.00</u> Deputy Time Copies Posting Notices Conducting Sale County Comm.	SUMMONS						
VS. <u>BRANDON LEE GANZ</u> Defendant			Kind of Process Date Served Served By						
UPON WHOM PAPERS WERE SERVED			OTHER DUTIES PERFORMED OR COMMENTS						
			<div style="text-align: center;"><b>PAID</b> PAID MAR 17 2017 BY: <u>CASH</u></div> <table><tr><td>ADVANCE: <u>11/24/16</u></td><td>\$ <u>50.00</u></td></tr><tr><td>TOTAL CHARGES:</td><td>\$ <u>50.00</u></td></tr><tr><td>AMT. DUE:</td><td>\$ <u>-0-</u></td></tr></table>	ADVANCE: <u>11/24/16</u>	\$ <u>50.00</u>	TOTAL CHARGES:	\$ <u>50.00</u>	AMT. DUE:	\$ <u>-0-</u>
				ADVANCE: <u>11/24/16</u>	\$ <u>50.00</u>				
				TOTAL CHARGES:	\$ <u>50.00</u>				
				AMT. DUE:	\$ <u>-0-</u>				

PLEASE RETURN THIS STATEMENT WITH YOUR REMITTANCE

**STEARNS COUNTY SHERIFF**  
P.O. BOX 217  
ST. CLOUD, MN 56302

STATE OF MINNESOTA  
COUNTY OF STEARNSDocument Page 3 of 11  
CERTIFICATE OF SERVICE

FILE NO. \_\_\_\_\_

I hereby certify that on the 17TH day of MARCH 2017 at 1255 hrs, at:  
807 COURTHOUSE SQ ST CLOUD

County of Stearns, State of Minnesota, I duly served the following:

<input type="checkbox"/> Summons & Complaint	<input type="checkbox"/> Order Granting Petition for Ex Parte HRO, Petition, Affidavit	<input type="checkbox"/> Ex Parte Order for Protection, Petition, Affidavit
<input type="checkbox"/> Eviction Summons & Complaint	<input type="checkbox"/> Order Denying Petition	<input type="checkbox"/> Order for Hearing, Affidavit, Petition
<input type="checkbox"/> Order to Show Cause	<input type="checkbox"/> Harassment Order After Hrg.	<input type="checkbox"/> Order for Protection After Hrg.
<input type="checkbox"/> Notice of Motion	<input type="checkbox"/> Subpoena	<input type="checkbox"/> Request for Hearing
<input type="checkbox"/> Motion	<input type="checkbox"/> Statement of Claim and Summons	<input type="checkbox"/> Notice of Hearing
<input type="checkbox"/> Affidavit	<input type="checkbox"/> Writ of Recovery	
<input type="checkbox"/> Summons & Petition		

☐ Notice of Mortgage Foreclosure Sale; Homestead Designation Notice; Help for Homeowners in Foreclosure; Advice to Tenants; Notice of Redemption Rights, upon persons in possession of the land/premises described in said Notice

X OTHER: SUMMONS (U.S. BANKRUPTCY), ATTACHMENTUPON THE FOLLOWING PARTY: BRANDON LEE GANZ

X Personally

☐ By leaving a copy with \_\_\_\_\_ a person of suitable age and discretion residing therein.

☐ By handing to and leaving with \_\_\_\_\_, \_\_\_\_\_  
(corporate service) (Name) (Title)

## =====

**CERTIFICATE OF VACANCY**

☐ I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this officer went upon the land and premises described as : \_\_\_\_\_  
for the purpose of serving said persons in possession thereof; and that on said date, and for an unknown time prior to, all said land is believed to be wholly vacant and unoccupied.

## =====

**CERTIFICATE OF UNSERVED PROCESS**

The attached process is being returned for the following reason(s):

☐ Person Moved, No Forwarding

☐ No Such Address

☐ Unable to Get Response

Date: 03-17-17

JOHN SANNER, SHERIFF OF STEARNS COUNTY

By:  Deputy Sheriff

## Benton County Sheriff's Office

### INVOICE

Civil Process  
581 Hwy 23, PO Box 159  
Foley, MN 56329  
(320) 968-8152

Brian Gerry Maleska vs. Brandon Lee Ganz

Invoice#	1630
Court File#	16-32918
Source File#	
Civil File#	16001507
Date	12-15-2016 1436

Brian Gerry Maleska  
37013 County Road 2  
St Joseph, MN 56374

Process Type: Summons and Complaint

Documents	
Type	Title
Bankruptcy Summons and Complaint	

Billables					
Billable Type	Service Date/Time	Notes	Quantity	Unit Price	Cost
Service Fee	12-23-2016 1744	Not Found/Brandon Lee Ganz	1	50.00	50.00
Total:					\$ 50.00

Payments				
Payment Type	Date	Check#	Description	Amount
01-200-000-0000-5500 Civil Process	12-15-2016	CASH		50.00
Total:				\$ 50.00

Invoice Total: \$ 50.00  
Payment Total: \$ 50.00  
Total Due: \$ 0.00

Please call the Civil Division with any questions.

## Benton County Sheriff's Office

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**Process Type:** Summons and Complaint

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Bankruptcy Summons and Complaint	

Billables					
Billable Type	Service Date/Time	Notes	Quantity	Unit Price	Cost
<b>Total:</b>					<b>\$ 0.00</b>

Payments				
Payment Type	Date	Check#	Description	Amount
Advance Fee	12-15-2016	CASH		50.00
<b>Total:</b>				<b>\$ 50.00</b>

Invoice Total: \$ 0.00  
Payment Total: \$ 50.00  
**Total Due: \$ -50.00**

Please call the Civil Division with any questions.

STATE OF MINNESOTA  
COUNTY OF BENTON

CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ hours, at \_\_\_\_\_, in the City/Township of \_\_\_\_\_, in the County of Benton, State of Minnesota, I duly served the following:

\_\_\_\_ Summons & Complaint      \_\_\_\_\_ Summons & Petition      \_\_\_\_\_ Order to Show Cause  
\_\_\_\_ Eviction Summons      \_\_\_\_\_ Subpoena      \_\_\_\_\_ Notice of Motion & Motion  
\_\_\_\_ & Complaint      \_\_\_\_\_ Affidavit  
\_\_\_\_ Emergency (ExParte) Order for Protection, Affidavit and Petition, Domestic Abuse Instruction Sheet, and Petition for Hearing Form  
\_\_\_\_ Order Granting Petition for ExParte Harassment Restraining Order, Affidavit and Petition, Important Notice to Respondent, and Request for Hearing  
\_\_\_\_  
\_\_\_\_  
\_\_\_\_

UPON THE FOLLOWING PARTY: \_\_\_\_\_

\_\_\_\_ by personally leaving a copy with \_\_\_\_\_  
\_\_\_\_ by leaving a copy at the place of \_\_\_\_\_'s usual abode with \_\_\_\_\_, a person of suitable age and discretion then residing therein.  
\_\_\_\_ I left with \_\_\_\_\_ personally the sum of \$ \_\_\_\_\_ garnishment fees.  
\_\_\_\_ I left with \_\_\_\_\_ personally the sum of \$ \_\_\_\_\_ witness fees for attendance and mileage.

CERTIFICATE OF NONSERVICE

\_\_\_\_ I certify that I received the attached civil process on forcible entry and unlawful detainer on \_\_\_\_\_, 20\_\_\_\_, and that after a due and diligent search and careful inquiry at the (usual place of abode)(business), I have been unable to find or make service of said process on the following person(s): \_\_\_\_\_  
\_\_\_\_

\_\_\_\_  
Date and Time

\_\_\_\_  
Date and Time

POSTING, UNLAWFUL DETAINER

\_\_\_\_ On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, pursuant to the request of the Plaintiff/Agent/Attorney herein, and in compliance with Minnesota Statutes Section and Chapter 566.06, I served the attached Eviction Summons and Complaint by posting a true copy thereof in a conspicuous place upon the building located at \_\_\_\_\_, Minnesota.

CERTIFICATE OF UNSERVED PROCESS

XX The attached process is returned for the following reason(s): Brandon Lee Ganz  
c/o Andy's Towing, 675 Crescent St NE, St. Cloud and 1595 Peach Ct, Sauk Rapids  
\_\_\_\_ Person unknown at address      \_\_\_\_\_ Service Cancelled by Litigant  
XX Person Moved, New Address Unknown      \_\_\_\_\_ Unable to Locate Before Court Date  
\_\_\_\_ Person Moved, New Address: \_\_\_\_\_ XX May have moved to St. Joseph MN,  
\_\_\_\_ unknown address.

\$ 50.00      Sheriff's Fee  
\_\_\_\_ Travel

\$ 50.00      TOTAL

Troy Heck  
Sheriff of Benton County  
By: Cody L. Eisenchen  
Deputy Sheriff (signature)  
Cody Eisenchen R #4528  
Deputy Sheriff (printed)

Date: 12/24/16

## Benton County Sheriff's Office

### INVOICE

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581 Hwy 23, PO Box 159  
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Total:				\$ 50.00

Invoice Total: \$ 50.00  
Payment Total: \$ 50.00  
Total Due: \$ 0.00

Please call the Civil Division with any questions.

United States Bankruptcy Court: District of Minnesota

Case Number: 16-32918

Debtor: Brandon Lee Ganz

1595 Peach Court NE

Sauk Rapids, MN 56379

DOB: 03/29/1988



U.S. BANKRUPTCY COURT  
MINNEAPOLIS, MN  
16 DEC 12 AM 8:37

RECEIVED

Creditor: Brain Gerry Maleska

37013 Co Rd 2

Saint Joseph, MN 56374

DOB: 01/27/1984

Jurisdiction: Plaintiff and Defendant and Transferred business are all located in Minnesota.

Narrative Statement:

May 12<sup>th</sup> Brandon Lee Ganz took possession of Cowboy Cycle

June 6<sup>th</sup> of 2014 Brandon Lee Ganz agreed and signed a purchase agreement with Brian Gerry Maleska for the purchase of Cowboy Cycle for the amount of \$50,000.00. Brandon Lee Ganz implied the liquidation of his retirement to purchase Cowboy Cycle. Brandon Ganz stated in his bankruptcy filing he has no funds in a retirement account.



Ganz was to have paid for Cowboy Cycle by June 15<sup>th</sup> according to the purchase agreement.

On July 6<sup>th</sup> of 2014 Brian Maleska and Ronald Maleska were at Brian Maleska's residency when approached by Ganz. He told Maleska that if he didn't take \$30,000 for the business he would turn him in to the IRS. Ganz withheld receipts from when Maleska owned Cowboy Cycle and was attempting to black mail Maleska. (See attached text message)

July 7<sup>th</sup> of 2014 Brain and Ronald Maleska went to Cowboy Cycle to talk with Ganz about payment. Ganz had the police escort them off the property. (See Police report)

Cowboy Cycle was in business through August. Brandon took over half of the businesses asset and inventory to Sturgis Bike Rally in South Dakota on August 4<sup>th</sup> 2014. When returning August 9<sup>th</sup> near Faith, South Dakota on Highway 212 the trailer of inventory and equipment started on fire the trailer and everything inside was destroyed. Maleska was an additional policyholder through Colonial Insurance. Maleska did not receive convensation for the lost inventory.

Ganz neglected to pay lease to Myrel Neumann; therefore he was locked out of the business located at 2767 Quail Road NE Sauk Rapids, MN. Unsure of the exact date. After a year of no payment from Ganz, Neumann liquidated the rest of the business to recoup some of his loss from the lease. Ganz paid One month of the twenty-four month lease for the shop. After three months of non-payment Ganz was locked out. February of 2015 there was multiple break-ins to the building after Ganz was locked out. Attached there are 2 police reports.

Allegations: Ganz swindled and stole Cowboy Cycle from Maleska, with no intention of payment.

There relief Brian Gerry Maleska is seeking from Brandon Lee Ganz is the \$50,000 that was granted from the judge in the earlier settle case between Ganz and Maleska.

A handwritten signature in black ink, appearing to be "B. Gerry" or similar, written in a cursive style.

12-12-16

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:			<b>SUMMONS</b>
Brandon Lee Ganz		Debtor(s)	Adv. 16-03135
Brian Gerry Maleska	v.	Plaintiff(s)	Bky. 16-32918
Brandon Lee Ganz		Defendant(s)	

To the defendant(s) named above:

You are summoned and required to serve upon the attorney for the plaintiff(s), whose name and address is subscribed to the annexed complaint, an answer under Bankruptcy Rule 7012 to the complaint which is herewith served upon you, within thirty (30) days after the date this summons was issued, except that the United States and its officers and agencies shall file a motion or answer to the complaint within 35 days, and to forthwith file the answer with the clerk of this court. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Witness my official signature  
and the seal of said court at  
St. Paul in District of Minnesota

s/Lori Vosejпка  
Clerk, United States Bankruptcy Court

Dated: 12/12/16



By: jamiesmith  
Deputy Clerk  
United States Bankruptcy Court  
200 Warren E Burger Federal Building and  
US Courthouse  
316 N Robert St  
St Paul, MN 55101

**NOTE** — The summons with complaint annexed is to be served within 7 days after the date issued under Bankruptcy Rule 7004(e). If the debtor is a defendant and represented by an attorney, the debtor and the attorney are each served separately under Rule 7004(b). Pursuant to Bankruptcy Rule 7004(b)(3), if the defendant is a corporation, partnership or other unincorporated association, a copy of the summons and complaint shall be served to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

02/15/93; 03/17/99; 06/01/99; 02042003

mnbsumad 11/14

